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DOI:

[10.1080/13572334.2017.1358981](https://doi.org/10.1080/13572334.2017.1358981)

Document Version

Peer reviewed version

[Link to publication record in King's Research Portal](#)

Citation for published version (APA):

Gwiazda, A. (2017). Women in Parliament: Assessing the Effectiveness of Gender Quotas in Poland. *Journal of Legislative Studies*, 1-22. <https://doi.org/10.1080/13572334.2017.1358981>

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Women in Parliament: Assessing the Effectiveness of Gender Quotas in Poland

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Keywords: women's representation; gender quotas; Polish parliament; Poland

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Abstract

Gender quotas aim to increase women's parliamentary representation. However, the effectiveness of quotas varies. This article explores this issue further by examining the case of Poland, where gender quotas were introduced in 2011. The Polish case presents an interesting puzzle. Although the overall number of women candidates increased almost twofold in comparison with the pre-quota period, this translated into only a slight increase in the number of women deputies in 2011 and 2015. Hence, the impact of quotas was limited. However, the partisan analysis shows that there was a significant variation among individual parties: whereas some parties promoted wholeheartedly women's access to political office, other parties did not facilitate it. By drawing on rational choice institutionalism, this article shows that institutions and preferences of political parties matter for the effectiveness of gender quotas. In the case of ineffective gender quota policy, political parties have a final say in women's parliamentary representation.

1. Introduction

Gender quotas aim to increase women's parliamentary representation. They have become an increasingly popular method of addressing the parliamentary underrepresentation of women. The global spread of gender quotas originated during the Fourth United Nations World Conference on Women which was held in Beijing in 1995. The resulting Platform for Action advocated that governments should take action in order to ensure women's equal access to political office and decision-making (Kenny and Verge, 2016). Consequently, the number of countries adopting gender quotas has increased over the past few years and currently some 100 countries are using gender quotas (Krook, 2009; Dahlerup, 2012). However, the effectiveness of quotas - that is, the extent to which gender quotas enhance women's parliamentary representation - varies. For example, in the European Union, where nine countries currently use legislative gender quotas, women's representation ranges from 39% in Belgium and Spain to 22% in Ireland¹ in 2016 (IDEA, 2016; Inter-parliamentary Union, 2016).²

This article examines the effectiveness of legislative gender quotas in Poland. The case of Poland merits scholarly attention. It is the only country in Eastern Europe, except for the Balkan states, which uses legislative gender quotas and there is hardly any research on gender quotas in Eastern Europe.³ Moreover, the Polish case presents an interesting puzzle. Although the overall number of women candidates increased almost twofold in comparison with the pre-quota period, it translated into only a slight increase in the percentage of women deputies in the lower chamber of parliament, from 20% in 2007 to 24% in 2011 and 27% in 2015. So why was there only a slight overall increase in women's representation and, hence, such a modest impact of gender quotas? Drawing on rational choice institutionalism, this article argues that the

effectiveness of gender quotas depends on formal institutions (policy design) and political parties.

Case study research is best suited for an in-depth country-specific analysis (see Gerring, 2004). It will draw out the nuanced nature of gender quotas and their effects, in addition to the detailed analysis of party candidate selection methods. This research clearly shows that an in-depth case study can shed additional light on the effectiveness of gender quotas whereas, quantitative research overlooks qualitative differences. The primary data is based on a unique dataset on candidates provided by the State Electoral Commission, parliamentary debates and interviews with women deputies and activists. This article uses a diachronic comparison of two election results in 2011 and 2015 but also briefly compares them with the 2007 pre-quota results.

This article is an important contribution to the research on gender quotas and women's parliamentary representation for several reasons. First, there is hardly any research concerning women in parliaments in Eastern Europe and the case of Poland has not been included in major studies of gender quotas around the world. By examining the case of Poland, this article helps to explain nuances to the logic of promoting gender quotas in new democracies. Second, this article contributes to the theoretical studies by using a novel approach to analysing gender quotas. Rational choice institutionalism provides an explicit framework for studying preferences of political parties and institutional constraints. Legislative gender quotas are implemented by political parties, and hence, there is a need for party-level analysis. This article investigates intra-party mechanisms, both formal and informal, that can explain varied effectiveness of quotas. In addition, formal institutions matter for the effectiveness of gender quotas because policy design influences women's placement

on party lists, and hence, chances for being elected. Third, a public policy approach is needed in order to examine effectiveness. Policy evaluation assesses policy design and the extent of policy implementation: that is, who executed policies and how they are executed. The literature stipulates that variation in quota effectiveness is caused by inadequate implementation but this article shows that it is due to policy design.

The remainder of this article is divided into four sections. The first section presents a literature review on gender quotas. The second section puts forward the analytical framework based on rational choice institutionalism. The third section is an empirical analysis which presents a diachronic comparison of election results and women's representation in the lower chamber of the Polish Parliament, the Sejm. It is followed by a discussion focusing on policy design and the preferences of political parties. Finally, the concluding section summarises the findings.

2. The Literature on Gender Quotas

There is a burgeoning literature on gender quotas (e.g. Dahlerup, 2006; European Parliament, 2013; Htun, 2016; Kittilson, 2001; Krook, 2009; 2014; Praud, 2012). Initially, the literature focused on explaining the adoption of gender quotas but subsequently, has also addressed their implementation. The most recent developments focus on the effectiveness of gender quotas (see e.g. Franceschet et al., 2012; Paxton and Hughes, 2015; Schwindt-Bayer, 2009).

Before the main scholarly arguments are discussed, a definition of gender quotas should be outlined. According to Dahlerup (2006), a legislative gender quota is 'a type of equal opportunity measure that forces the nominating bodies, in most political systems the political parties, to recruit, nominate or select more women for political positions' (Dahlerup 2006: 6). It is a 'legal reform, which requires political

parties to nominate between 25 and 50 per cent of women candidates' (Krook et al., 2009: 795). For Schwindt-Bayer (2009) gender quotas are "'fast track" mechanisms for increasing women's representation' (Schwindt-Bayer 2009: 5). There are different types of quotas. According to Krook (2009; 2010), quota policies include: reserved seats, party quotas and legislative quotas. Quota policy based on reserved seats means one of the following: creating distinct electoral rolls for women; designating separate districts for them; or allocating seats for women based on each party's proportion of the vote. Party quotas are voluntary measures set out by political parties which can be applied to the electoral list as a whole, to specific seats or constituencies (Krook, 2010; Lovenduski and Norris, 2005; Campbell et al., 2006). Finally, legislative quotas, which are enacted through reforms to electoral laws or constitutions, stipulate that women must constitute a certain percentage of candidates on all party lists.

Despite the common goal of increasing the numbers of women elected to parliaments, quotas have had varied effects on women's representation. The impact of gender quotas can be moderated by several factors. First, the type of electoral system matters (Norris, 2006). As early as the 1950s, Duverger (1955) highlighted the role of electoral systems in determining the number of women elected to parliaments. Majoritarian systems inhibit women's parliamentary representation. By contrast, electoral systems with party list proportional representation and large district magnitudes favour the election of women. In such systems, a woman can be placed further down on the party list and still be elected (Jones, 1998; Lijphart, 1999; Norris, 2006). However, there is a caveat here. The literature on electoral systems points to the complexity of the relationship between preferential voting and women's representation (see Marsh, 1985). The most recent findings demonstrate that the effects of gender quotas in open-list proportional representation systems are not as

positive as those of closed-list systems (Jones and Navia, 1999; Górecki and Kukołowicz, 2014). In an open-list system, voters may alter the order by preferring other candidates rather than women (Matland, 2006). A closed-list system with a zipper, which means alternating men and women candidates, is regarded as the most advantageous type of electoral system for women because candidates are automatically elected in the order determined by the party (Millard, 2014).

Second, policy design can influence the implementation of gender quotas and hence their effectiveness. There are three main aspects of policy design which are examined in the literature. The first is a quota size. Quotas that require more women on party ballots lead to the election of more women (Schwindt-Bayer, 2009). However, women's electoral success depends not only on the number of women but also on their place on the list. Hence, the second aspect of policy design is placement on the party list. Placement mandates are 'rules requiring that women occupy certain positions on candidate lists' (Paxton and Hughes 2015: 332). The literature corroborates that positions higher up the ballot mean higher chances of being elected to parliament (e.g. Faas and Schoen, 2006; Marcinkiewicz, 2014; Millard, 2014). The third aspect of policy design is sanctions for non-compliance. They are 'measures that penalise parties for failing to comply with quota provisions' (Paxton and Hughes, 2015: 332). Schwindt-Bayer (2009) distinguishes between strong enforcement and weak enforcement. The former implies the strictest sanction: for example, the party ballot is rejected if it does not abide by the gender quota whereas the latter implies a weak sanction where laws do not eliminate the party from electoral competition. If there are no sanctions, implementation is not likely to occur.

Third, ideology is important. Left-wing parties tend to be more sensitive to women's representation whereas right-wing parties are either hostile or indifferent to

the issue. Hence, left-wing parties are more likely to implement gender quotas (Matland, 1993; Kittilson, 1999; Millard, 2004; Praud, 2012).

Fourth, changing norms might play a role. Domestic and international norms are becoming women-friendly and women's presence in politics is now acceptable and desirable. Party elites might be accepting these new norms and gender activists' arguments that having a higher number of women in politics is normatively appropriate (Bush, 2011; Paxton and Hughes, 2015). For example, the European Union promotes the idea of gender equality among its member states (European Parliament, 2013; MacRae, 2012).

Finally, the role of political parties is examined in the literature. Kittilson (1999) analyses the impact of political parties by looking at party organisation, party ideology, women party activists and party quotas. Moreover, the literature points to the importance of parties as gatekeepers to political office (Norris and Lovenduski, 1995; Norris, 1996; Murray, 2004). For Norris and Lovenduski (1995), the outcome of particular parties' selection processes can be understood in terms of the interaction between the supply of candidates wishing to stand for office and the demands of party gatekeepers who select the candidates. Gender quotas, then, challenge the relationship between voters, parties and representatives by making parties revise their selection practices in terms of gender quotas (Dahlerup, 2006).

Whilst there is a burgeoning literature on gender quotas in well-established democracies, there is scarce research on gender quotas in the new democracies of Eastern Europe, although there are a few notable exceptions. Gwiazda (2015) explains the adoption of gender quotas in Poland. Millard (2014) and Górecki and Kukołowicz (2014) examine the implementation of gender quotas for the 2011 election in Poland. But this research pays little attention to the interaction of individual party preferences

on gender equality with formal and informal institutions, which is addressed in this article, by examining two elections: in 2011 and 2015.

Moreover, although the important role of parties in shaping access to political office is widely recognised, Kenny and Verge (2016) note that there have been surprisingly few systematic studies into candidate selection and recruitment despite the fact that candidate selection is at the heart of what political parties do. Thus, this article also addresses this research gap.

3. The Analytical Framework

Examining effectiveness means analysing the extent to which gender quotas are successful in enhancing women's parliamentary representation. I adopt insights from the public policy literature and rational choice institutionalism in order to shed more light on the effectiveness of gender quotas.

The public policy literature specifies that policy evaluation is 'the systematic assessment of the operation and/or the outcomes of a program or policy, compared to a set of explicit or implicit standards, as a means of contributing to the improvement of the program or policy' (Weiss, 1998: 4). Knill and Tosun (2012) raise two important questions about policy evaluation: Has the policy attained its objectives? Is the failure to meet the policy goals related to the design of public policy or its implementation by political actors? Consequently, in order to assess the effectiveness of gender quotas both formal institutions (policy design) and actions by political actors should be considered.

Rational choice institutionalism emphasises the relationship between political actors' rational action and institutional constraints (see e.g. Hall and Taylor, 1996; Shepsle and Bonchek, 1996; Tsebelis, 2002). Hence, the analytical framework

presented here is based on the combination of institutional and partisan factors. The hypotheses below integrate political parties' preferences with the institutional arrangement provided by gender quota policy. Two hypotheses will be tested. The first hypothesis refers to formal institutions whereas the second hypothesis refers to political actors, in this case, political parties.

Formal institutions mean policy design as stipulated in the gender quota law. Formal institutions matter for the effectiveness of gender quotas because they provide the institutional context within which political parties operate with respect to candidates' recruitment and selection. According to North (1990), 'institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction' (North 1990: 3). Formal institutions are 'formal constraints' and 'formal rules' such as constitutions, statutes and contracts (North, 1990: 46). Two specific formal provisions are examined here: sanctions for non-compliance and placement mandates which are shown in the literature to be vital for gender quota effectiveness.⁴

Hypothesis 1a: High costs of non-compliance increase the effectiveness of gender quotas. Even if there is policy incongruence, a political party will still implement the policy because of the high cost.

Hypothesis 1b: Placement mandates increase the effectiveness of gender quotas because political parties must place women in the top places, thus increasing the chances of election.

In addition, political actors are important. Political parties are in charge of gender quota implementation: if they support gender equality and gender quotas, greater quota effectiveness is expected. Gender equality provides for equal treatment and

equal rights of men and women, and can be guaranteed through legal reform (Inglehart and Norris 2003). Gender quotas provide for equal opportunity in political representation (Inglehart and Norris 2003). Hence, political parties who favour gender equality and gender quotas will support women's representation in parliament.

Hypothesis 2: Political parties are expected to enhance women's parliamentary representation if their preferences are congruent with gender equality and gender quotas.

A scholarly reason for using the analytical framework based on rational choice institutionalism is that it provides an explicit and systematic methodology for studying preferences of political actors involved in policy implementation and the role of institutional constraints. In what follows, I will test the hypotheses in the Polish case.

4. The Case of Poland

Legislative gender quotas were adopted in Poland to enhance women's parliamentary representation (Gwiazda, 2015). At the beginning of democratic transition in the early 1990s, women were underrepresented in parliament. Over time the situation slightly improved. Table 1 shows the percentage of women deputies from 1991-2015. In the first democratically elected Sejm, there were only 9.6% of women deputies, the number increasing to 13% in the subsequent elections. In 2001, there was an increase to 20% which can be explained by the use of voluntary party quotas.⁵ After the 2011 election, 24% of deputies were women and after the 2015 election, 27% (Sejm, 2015).⁶

Table 1. Women's representation in the Sejm, 1991-2015.⁷

| Terms Women | 1 st term: 1991-3 | 2 nd term: 1993-7 | 3 rd term: 1997- 2001 | 4 th term: 2001-5 | 5 th term: 2005-7 | 6 th term: 2007-11 | 7 th term: 2011-15 | 8 th term: 2015- |
|----------------|---------------------------------|---------------------------------|--|---------------------------------|---------------------------------|----------------------------------|----------------------------------|--------------------------------|
| Out of 460 | 44 | 60 | 62 | 93 | 94 | 94 | 110 | 125 |
| Percentage | 9.6% | 13% | 13.5% | 20.2% | 20.4% | 20.4% | 24% | 27% |

Source: Sejm 2015.

The legislative gender quota was introduced before the October 2011 election. The Act of 5 January 2011⁸ on the electoral code stipulates that at least 35% of all candidates on party lists must be women and 35% must be men (Article 211.3). The law does not provide for a placement mandate: that is, there is no provision concerning the ranking of candidates on party lists. However, there is a sanction for non-compliance. If the list does not abide by the quota as stipulated in Article 211.3, the electoral commission calls on the person submitting the list to rectify an error within three days. If it is not rectified, the commission refuses to register the list (Article 215.5). Hence, the penalty for non-compliance is considered to be high. The quota applies only to proportional elections: that is, the Sejm election, the European Parliament election and municipal and county council elections. The quota does not apply to the majoritarian electoral system which is used for the Senate election and municipal councils of a maximum of 20,000 citizens. Elections to the Sejm are conducted using the open list proportional representation electoral system, with the d'Hondt formula for vote-seat conversion and the 5% electoral threshold for single parties and the 8% threshold for coalitions. The 460 deputies are elected from 41 constituencies, with district magnitudes ranging from 7 to 20.

Table 2 demonstrates the total number and percentage of women candidates in 2007, 2011 and 2015. In 2007, when there was no legislative gender quota, there were 1,428 women candidates. They constituted 23.08% of all candidates on party lists. The adoption of gender quotas significantly increased the total number and percentage of women candidates on all party lists to 3,063 (43.54%) in 2011 and 3,328 (42.35%) in 2015. Even if we only consider the parties which were elected to parliament (winning parties), the number is equally high: 1,932 (42.73%) in 2011 and 1,847 (41.5%) in 2015. However, while there was a significant increase in the number of women candidates, this did not translate automatically into a significant increase in the number of women deputies in 2011 and 2015. In 2011, women got 110 seats (out of 460) in the Sejm, which constituted 24% of all seats; whereas in 2015, women got 125 seats (out of 460) in the Sejm, which constituted 27% of all seats.

Table 2. The total number and percentage of women candidates in 2007, 2011, 2015

| | 2007 (no quota) | 2011 | 2015 |
|--|-----------------|--------|--------|
| Total number of candidates of all parties | 6,187 | 7,035 | 7,889 |
| Total number of women | 1,428 | 3,063 | 3,341 |
| Percentage of women | 23.08% | 43.54% | 42.35% |
| Total number of candidates of winning parties | 3,658 | 4,521 | 4,449 |
| Total number of women | 732 | 1,932 | 1,847 |

| | | | |
|---------------------|--------|--------|-------|
| Percentage of women | 20.15% | 42.73% | 41.5% |
|---------------------|--------|--------|-------|

Source: State Electoral Commission 2007, 2011, 2015.

In addition to the total data, party-level data is vital given the fact that political parties are in charge of recruiting candidates for representatives and deciding on their placement on party lists. Table 3 presents the number and percentage of women candidates and deputies for political parties which won seats in the Sejm in 2007, 2011 and 2015.

Table 3. The number and percentage of women candidates and women deputies for each political party in the Sejm, 2007-2015.

The analysis of women's representation in individual political parties in the Sejm is revealing. In 2007, the results were similar across four parties. The percentage of women candidates ranged from 18% to 22% whereas the percentage of elected women deputies ranged from 3.2% for the Polish Peasant Party, 20.5% for the Law and Justice party, 20.8% for the Democratic Left Alliance and 23% for Civic Platform. After the introduction of gender quotas in 2011, an increasing discrepancy in individual party performance can be observed. Although the percentage of women candidates significantly increased and averaged 42.7% (from almost 40% for Law and Justice to 44% for the Democratic Left Alliance), only one party elected a significant number of women. Civic Platform was the best performer with 72 female deputies, that is, 34.8% of its all deputies. The worst performer, the Polish Peasant Party, had only two women in its parliamentary ranks: 7.1%. Both Law and Justice and the Democratic Left Alliance experienced a drop in women's representation in

comparison with the 2007 results. In 2015, the percentage of women candidates remained at a similarly high level and averaged 41.5%. It ranged from 39.5% for Law and Justice to 43.4% for the newly established party *Nowoczesna* (Modern). Despite a high percentage of women candidates only two parties had a high percentage of women deputies. Similar to the 2011 election, Civic Platform performed very well. It had the second highest percentage of women candidates and was represented by 36% of women in the Sejm. Another party was 'Modern' with the highest percentage of women candidates and deputies.

5. Discussion

The aforementioned analysis raises two important questions. Given legislative gender quotas, how can we explain a modest overall increase in women's parliamentary representation in Poland? How can we explain a good performance by Civic Platform and Modern?

Political parties had to comply with gender quota policy because if they did not they could not have registered their lists. The cost of non-compliance was very high. Thus, political parties, who are rational actors, were expected to implement gender quotas. In fact, quota policy was implemented by political parties as shown by the level of women candidates which exceeded 35% for all parties. Yet, the overall impact of gender quotas on women candidates' electoral success was modest. The high penalty by itself did not significantly increase the effectiveness of gender quotas. This brings us to analysing other aspects of policy design and the preferences of political parties. I will start with the latter.

What are the preferences of political parties concerning women's representation? Are political parties fully committed to it? Party preferences

concerning gender equality are expected to shape the experience of women in party ranks and their chances of electoral success. Specifically, political parties' affirmative actions and policies towards gender equality and gender quotas have a positive impact on women's parliamentary representation. Political parties that were represented in the Sejm in 2011-15 are presented below.

Civic Platform (PO) is a centre-right liberal-conservative party, established in 2001 and in government from 2007-2015. It promotes the participation of women using its own, internal regulations. The party quota was used for the first time in the 2007 election. In the parliamentary debate in February 2010, one of Civic Platform's women deputies confirmed that the party used a rule that there had to be at least one woman in the first three places on party lists (Sejm, 2010). For the 2011 election, Civic Platform's lists had to abide by formal party quotas. Civic Platform introduced changes to its statute to include at least one woman in the top three places and at least two women in the top five places (Druciarek et al., 2012; Interview 1). Not only did Civic Platform have party quotas, but it was also the party that supported legislative gender quotas. In fact, the 2011 gender quota policy was approved by the Civic Platform-Polish Peasant Party government. Civic Platform and, in particular, its leader and then Prime Minister Donald Tusk supported the adoption of gender quotas and played a significant role in promoting women (see Gwiazda, 2015). Before the October 2015 parliamentary election, the Board of Civic Platform adopted a resolution (Resolution 11/2015) which stipulated that:

Party regional authorities are obliged to shape the regional lists of candidates for deputies in such a way that: 1) The number of women candidates and the number of men candidates may not be less than 35% of the total number of candidates for each constituency list. 2) Out of the first five places in each constituency list neither men nor

women can occupy more than three places, 3) Of the first three places in each constituency list neither men nor women can occupy more than two places (Civic Platform, 2015).

In addition, Civic Platform supported women in office by nominating Ewa Kopacz as Poland's female Prime Minister in September 2014, taking over from Donald Tusk, who was appointed president of the European Council.

The Law and Justice party (PiS) is a right-wing conservative party founded in 2001 by the Kaczyński brothers,⁹ which was in government from 2005-7 and won the 2015 parliamentary election. Law and Justice supports conservative values and is unsympathetic to gender equality. For the 2015 election, PiS had a female candidate for Prime Minister, Beata Szydło, who subsequently became Prime Minister after PiS's electoral victory. Nevertheless, Law and Justice supports traditional values. PiS is critical of gender equality and is hostile to what it calls, 'gender-ideology' (Jankowski and Marcinkiewicz, 2016). In fact, on many occasions PiS deputies have expressed their negative opinions on gender equality (see Jankowski and Marcinkiewicz, 2016). For example, Law and Justice voted against the ratification of the Council of Europe's 'Convention on preventing and combating violence against women and domestic violence.' In the parliamentary debate, one of PiS deputies said that 'the Convention is against Polish culture, tradition and religion' (Sejm, 2015b). PiS also voted against the introduction of gender quotas (Sejm, 2010c). In addition, Law and Justice leader Jarosław Kaczyński called non-winnable positions on party lists as 'women's places' (Chelstowska et al., 2015).

The Democratic Left Alliance (SLD) was established in 1991 as the direct organisational successor to the communist party. It won parliamentary elections in 1993 and 2001 but its support collapsed in the 2005 election and in 2011 it suffered a

massive slump in support, gaining only 8.24% of the vote (State Electoral Commission, 1989–2011). In 2015, SLD contested the election as part of the ‘United Left’ coalition with ‘Your Movement’ (former Palikot movement) and a number of smaller left-wing groupings, except for the new party of radical left called ‘Together’ (*Razem*) formed in May 2015 (Szczurbiak, 2016). The Democratic Left Alliance was one of the parties which introduced party quotas in 2001 resulting in the highest percentage of women in its ranks (25.4%) but women were under-represented in the party after the 2005, 2007, 2011 elections and constituted 20%, 20% and 15% respectively (see Gwiazda, 2016). Formally, it supported gender equality and gender quotas but informally there was no political will and the results clearly showed no commitment. It could have been different, had a new female joint leader of the United Left, Barbara Nowacka, had more time to promote women to top positions on party lists in winning constituencies but she was appointed only a few weeks before elections. In addition, it is worth noting that the ‘Together’ party had 20 women in the Number 1 place (out of 41 constituencies) and 50% of women in ‘1 in top 3’. However, neither the United Left nor ‘Together’ got seats in the Sejm because they did not reach the electoral threshold.¹⁰

The Polish Peasant Party (PSL) is an agrarian party established in 1990, where farmers constitute the traditional PSL electorate. It was a junior coalition partner in Democratic Left Alliance–led governments in the periods from 1993–7 and 2001–3 and then Civic Platform’s junior coalition partner in 2007–11 and 2011–15. The PSL is known for conservative attitudes towards the role of women in society and has never systematically supported women in their ranks (Chelstowska et al., 2016). In 1991 and 1993, the percentage of women in the party in the Sejm was 2% and 6% respectively; none in 1997 and 2001, and 4% in 2005 (see Gwiazda, 2016). Table 3

demonstrates that PSL had 3.2% (one woman) in 2007, 7.1% (two women) in 2011 and 19% (three women) in 2015. In the parliamentary debate in February 2010, a PSL female deputy talked about both the conservative and liberal interests of women (Sejm, 2010). Most party deputies supported the bill on gender quotas but the party was not fully committed to it.

The Palikot movement (RP) was set up in October 2010 by a former Civic Platform deputy, Janusz Palikot, as a new anti-clerical liberal party and emerged as the third largest grouping after the 2011 election with 10% of the vote and 40 seats (Szczerbiak, 2013). Although it formally supported gender equality, it did not actively promote women on lists as only five women were elected in 2011. In 2015, it was unsuccessful running as part of the United Left coalition.

Kukiz'15 is an anti-system populist movement set up in 2015 by the rock singer, Paweł Kukiz, who won 21% of the vote in the 2015 presidential election, finishing third. In the 2015 parliamentary election, Kukiz'15 emerged as the third largest formation securing 8.8% of the vote and 42 seats in the Sejm (Markowski, 2016; Szczerbiak, 2016). Kukiz'15 largely consists of conservative activists and is known for conservative attitudes towards the role of women in society (Chelstowska et al., 2016). Kukiz'15 is dominated by conservatives and nationalists and hence there was no place for women in the top ranks (Interview 2).

The Modern party was formed in May 2015 by liberal economist Ryszard Petru. In the October 2015 election, it won 7.6% of the vote and emerged as the fourth largest party with 24 seats. It was supported by younger, well-educated, urban and entrepreneurial voters who were attracted by economically liberal attitudes once associated with Civic Platform which somehow departed from its market-oriented policy (Markowski, 2016). Apart from the legislative quotas, Modern further

promoted women using their own, internal regulations. It had no formal rules regarding women's places on the lists. Yet it was confirmed in the interviews that Modern adopted an informal policy to promote women in the party. A female deputy from Modern confirmed that:

There was no formal party resolution. This was rather an informal agreement supported by the party leader, Ryszard Petru. There was no systematic approach to women's placement on party lists; in some cases it was about Number 1, in other cases, it was about one woman in the top three places or two women in the top five places. However, there is no denying that the Number 1 place was the most important (Interview 2).

In fact, the interviewee said that she was a candidate No.1 on Modern list in the big city in southern Poland. She confirmed that a new party with liberal ideology made it easier for her to participate. 'Modern represents liberal views and strong liberal women got involved with the formation of the new party in the regions' (Interview 2). Another interviewee confirmed that 'the party leader reckoned that a 'modern' party by definition should promote women in politics' (Interview 1).

The above analysis shows different preferences concerning gender equality. Parties with conservative preferences are also not fully committed to gender equality. The results for Law and Justice, the Polish Peasant Party and Kukiz'15 show best how the absence of a gender-equality agenda and more conservative preferences can hinder women's parliamentary representation. By contrast, centre-right and liberal parties endorsing liberal values are supportive. Civic Platform and Modern favour gender equality. They adopted additional provisions to facilitate women's parliamentary representation. Civic Platform implemented a formal party quota with placement mandates where rank-ordering follows '1 in top 3' and '2 in top 5' rules.

Modern adopted an informal party quota with placement mandates mostly based on top ranking (Number 1). A woman deputy from the Modern party confirmed during interview that a high number of women was placed in the top place which resulted in the high percentage of women being elected. The Number 1 place was the most important for women's electoral success (Interview 2). Party quotas with placement mandates contributed to women's electoral success.

Table 4 demonstrates the percentage of women in the Number 1 place and at least one woman in the top three places in 41 constituencies in 2011 and 2015. In 2011 and 2015, the parties implemented the legislative gender quota of 35%, but most of them did not provide good places for women on the lists. In 2011 all parties, except Civic Platform, placed women in less favourable places. In 2015, all parties, except Civic Platform and Modern, placed women in less favourable places.

Table 4. Percentage of women candidates in the first place and at least one woman in the top three places in 41 constituencies in 2011 and 2015.

| Party | 2011 | | 2015 | |
|--|----------|------------|----------|------------|
| | Number 1 | 1 in top 3 | Number 1 | 1 in top 3 |
| Civic Platform (PO) | 34% | 40.1% | 31.7% | 40.6% |
| Law and Justice (PiS) | 24.4% | 21% | 29.3% | 26.8% |
| Democratic Left Alliance/United Left (SLD) | 14.6% | 36.6% | 29% | 32% |
| Polish Peasant Party (PSL) | 14.6% | 22% | 14.6% | 18.7% |
| Palikot Movement (RP) | 10% | 40% | 0 | 0 |
| Modern | 0 | 0 | 41.5% | 36% |

| | | | | |
|----------|---|---|-------|-------|
| Kukiz'15 | 0 | 0 | 14.6% | 24.4% |
|----------|---|---|-------|-------|

Source: Own calculation based on data from the State Electoral Commission 2011; 2015.

In 2011, Civic Platform had women in the 'Number 1' place in 14 out of 41 constituencies making it the party with the most women at the top of its lists (34%). It was also the party where the '1 in top 3' rule was used in the largest number of constituencies (40.1%). As mentioned before, Civic Platform adopted party quotas which required women to be placed in top places. Other parties performed worse. Law and Justice had a similar percentage for Number 1 (24.4%) and '1 in top 3' (21%). The placement of women lower down the list resulted in a low overall percentage of women (17.2%) elected from PiS lists. The Democratic Left Alliance placed only six women in the top places (14.6%) whereas in 36.6% of constituencies women constituted '1 in top 3.' Being a relatively small party, SLD could hope to have candidates elected only from top places. Very few women were in the Number 1 place and thus unsurprisingly this resulted in few women being elected: four out of 27 deputies (14.8%). The Polish Peasant Party had six women in the Number 1 place (14.6%) whereas in 22% of constituencies women constituted '1 in top 3.' PSL had only two women deputies among 28 deputies. The Palikot Movement had only four women candidates (10%) in the Number 1 place but in a high percentage of constituencies the party had '1 in top 3' women. After elections, the party had 40 deputies including five women (12.5%). The Number 1 place matters more than '1 in top 3' for small parties because only one candidate is normally elected from the list.

In 2015, Modern, with 41.5%, had the highest percentage of women placed in Number 1 which reflected the party quota based on top ranking. As a result, 12 out of

28 deputies were women which constituted 43% - the highest percentage among all parties. Civic Platform had 31.7% of women in the top place and 40.6% for '1 in top 3'. Consequently, 50 out of 138 deputies were women which constituted 36%. The '1 in top 3' rule matters for a large party which can have several candidates elected from the list. Moreover, Civic Platform placed women candidates in top positions in winning constituencies as data published by the State Electoral Commission (2015) demonstrates. As for other parties, Law and Justice had less than 30%: 29.3% for Number 1 and 26.8% for '1 in top 3.' After the election, women constituted 23% of all PiS deputies. The Polish Peasant Party and Kukiz'15 performed poorly. Both parties had only 14.6% of women placed Number 1, nor did they have many women in top three places. Hence, overall results were modest: 14% for Kukiz'15 and 19% for PSL.

In 2015 the United Left, which included the Democratic Left Alliance, had 31.7% of women in the top three places; and Number 1 in 12 out of 41 constituencies (29.3%). The percentage of women in the top three places was lower in comparison to 2011 but there were more women in Number 1 in 2015. The number increased from six to 12. However, an estimation of how many women the United Left alliance would have returned to parliament if the coalition had reached the 8% threshold shows that results would be similar to 2011: that is, four women could have chances of being elected to the Sejm. Women were placed in the Number 1 place in four winning constituencies (that is, constituencies where the party elected their deputies in previous elections).

The aforementioned analysis underscores the importance of placement on party lists. There is a positive relationship between the top place on the party list and chances of being elected. The most prestigious and successful place is considered to be the first place (Number 1). Calculations based on the data provided by the State Electoral Commission (2011; 2015) show that for the two largest parties (PO and PiS) 99% of candidates ranked Number 1 got elected in 2011 and 88% in 2015.¹¹ A

bivariate analysis between the variables 'place on the list' and 'being elected or not' confirms that the place on the party list is important. A t-test to evaluate whether the average place on the list is different for candidates who are elected and those who are not confirms this. In the elections of 2011 and 2015, the average place on the list for elected candidates is 4th and for non-elected candidates is 12th. In both elections, this difference is statistically significant at a level of $p < .01$. Moreover, a logistic regression predicting the probability of a candidate to be elected by her place on the list confirms the importance of placement. Results indicate that the odds of being elected increase by 74% for each 'jump' of one place on the list for the 2015 election, and by 72% for the 2011 election. In both instances, this effect is statistically significant at a level of $p < .01$.

The Polish case confirms that placement mandates increase the chances of electing women to parliament. If they are absent, parties do not have any incentive to place women in top positions if they do not support gender equality. In fact, parties can 'cheat', pushing women to the lowest places (see Kublik, 2015). Thus, the quota without placement mandates is not very effective because women usually end up at places which are not winnable. Consequently, it is not enough to place women on the lists: they must also occupy high places. However, there is one caveat here. Placement mandates as such might not be sufficient, but should be used in conjunction with sanctions. Hypothesis 1 stipulates that the presence of both high penalties and placement mandates should increase the effectiveness of gender quotas. If there are no penalties for non-compliance, parties not favouring gender equality will not be encouraged to comply with gender quotas. Hence, high penalties are important too.

This brings us to highlighting the main findings of this study. First, the assertion about party preferences has been corroborated (Hypothesis 2). Political

parties enhance women's parliamentary representation if their preferences are congruent with gender equality. The cases of Civic Platform and 'Modern' demonstrate that political parties can facilitate the election of women to office. In Poland, they did so by introducing party quotas. By contrast, examples of other parties such as PiS and PSL show that parties do not fully commit to enhancing women's representation, or take steps to reduce the impact of quotas, by adding women only at the bottom of their party lists, in unelectable positions. Whereas SLD and PSL did not oppose quotas directly, there was no political will within the parties to enhance women's representation. Second, this research shows that both formal and informal party quotas contributed to enhancing women's parliamentary representation. The two parties which performed very well adopted internal party regulations which stipulated that women should be promoted to top positions. Party quotas can be either formal or informal: Civic Platform adopted a formal resolution on placement mandates; by contrast, Modern had an informal agreement concerning women's placement on party lists and thus used informal institutions. Mainstream comparative research on political institutions focuses primarily on formal rules and ignores other types of institutions (see Helmke and Levitsky, 2004). Yet many 'rules of the game' that structure political life are informal. According to North (1990), informal institutions are 'informal constraints which come from socially transmitted information' (North 1990: 37). Informal party quotas are as important and effective as formal party quotas. Third, this research confirms that the mandate placement is an important institutional provision. The more women are in the top places, the more women are elected to parliament. Number 1 is the most important place on the list. The effectiveness of '1 in top 3' provision depends on the size of the party. For large parties, it matters; for small parties, the effect is negligible. This is because large parties can have several

candidates elected, whereas small parties can hope for only one candidate being elected, who is usually Number 1 on the list. Nevertheless, the main implication is that additional provisions on placement mandates should increase the number of women elected to office. Fourth, as discussed above, policy design should be based on a combination of high penalty for non-compliance and placement mandates. Placement mandates without any sanctions for non-compliance might be ineffective.

6. Conclusions

The primary objective of legislative gender quotas is to increase the number of women elected to parliaments. By examining the case of Poland, this article demonstrates that although political parties have formally implemented gender quotas for the 2011 and 2015 parliamentary elections, the effectiveness of legislative gender quotas was limited. It is argued that effectiveness depends on institutions (policy design) and the preferences of political parties. Effective gender quotas should include a provision on placement mandates and a high penalty for non-compliance. Moreover, the preferences of political parties are important. Political parties supporting gender equality are expected to promote women's parliamentary representation.

This article contributes to the scholarly literature in several respects. First, self-imposed formal and informal party quotas with placement mandates which complement legislative gender quotas have not been investigated previously. Existing studies overlook the importance of the combination of party quotas and legislative gender quotas. Second, the support of gender quotas by centre-right and liberal parties has not been discussed extensively. The literature demonstrates that centre-left parties are more supportive of gender quotas. The Polish case shows that liberal and liberal-conservative parties (Modern and Civic Platform) supported gender equality and

gender quotas. Third, the application of rational choice institutionalism allows examining both institutions (policy design) and political actors, which can shed more light on the interaction of different factors contributing to the effectiveness of gender quotas. Finally, it shows how the logic of advancing gender quotas took place in Poland and explains nuances of gender quota effectiveness. In sum, the case of Poland sheds more light on the effectiveness of gender quotas in a new democracy from Eastern Europe.

Further research should investigate if the use of quotas is becoming more effective over time because of incumbency effects and normative changes. The political science literature shows that there is a strong incumbency effect. Incumbents have a very high probability of re-election (Erikson, 1971; Gelman and King, 1990). This assertion should be tested for women representatives elected to parliament. Moreover, the literature points to the positive effects of changing norms. Over time increasing norms of equality are expected to decrease political party efforts to sidestep quota targets (Paxton and Hughes, 2015). Thus, the time factor should be taken into consideration in the future.

To sum up, the Polish case shows strong partisan and institutional effects on women's parliamentary representation. In the case of ineffective gender quota policy, political parties decide on women's representation. Parties supporting gender equality have introduced formal and informal party quotas in order to increase the chances of women being elected to parliament. There is no denying that the support of political parties makes a difference, but institutions are equally important.

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Interviews:

Interview 1. Interview with a researcher from the Institute of Public Affairs in Warsaw, 20 April 2017.

Interview 2. Interview with a woman deputy from Modern, 20 April 2017.¹²

¹ In Ireland, gender quotas were used for the first time in February 2016 elections. It resulted in an increase of the number of women from 15% in 2011 to 22% in 2016 in the Dáil.

² EU member states using gender quotas had the following women's representation: Belgium 39%, Spain 39%, Slovenia 36%, Portugal 31%, France 27%, Poland 27%, Croatia 26%, Greece 23% and Ireland 22% (IDEA, 2016).

³ Poland, Slovenia and Croatia are three countries which are now members of the European Union from the former communist bloc, and which use gender quotas. Other Balkan countries also use quotas including Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia.

⁴ The literature points to a third institutional provision too, that is, the gender quota size. But it will not be examined here because it has remained the same in Poland (quota size of 35%).

⁵ Three parties, the Freedom Union, the Labour Union and the Democratic Left Alliance, introduced party quotas of at least 30% of each gender on candidates' lists for the 2001 election.

⁶ While there has been a steady increase in women's representation in the Sejm, the representation of women in the Senate has been very poor and remained at a low level of around 12% because of the majoritarian electoral system and the lack of gender quotas (see Gwiazda, 2016).

⁷ The elections of 1989 were semi-free for the Sejm where 65% of seats were reserved for the communists, but they were freely contested for a re-established Senate.

⁸ Journal of Laws 2011, No. 34, item 172; Journal of Laws 2011, No. 21, item 112.

⁹ Lech and Jarosław Kaczyński served respectively as Poland's president and prime minister. Lech died in a plane crash in 2010, while Jarosław has been since the party's leader.

¹⁰ In fact, there are two electoral thresholds: 8% for coalitions (which was the United Left) and 5% for individual political parties (which was the 'Together' party).

¹¹ The chances of being elected decrease with the ranking in lower positions, e.g. Number 2 – 90%; Number 3 – 68% for 2011; and Number 2- 80% and Number 3 – 60% for 2015.

¹² Research Ethics Number MR/16/17-447.